

MARTIN J. O'DONNELL BBO#377745
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston MA 02210
Telephone: 617 951 2500
Facsimile: 617 951 3927
Email: mod@c-m.com

NELSON P. LOVINS BBO#306020
LOVINS & METCALF
10 Cedar Street
Woburn, MA 01801
Telephone: 781 938 8800
Facsimile: 781 938 4753
Email: nlovins@lovinslaw.com

THOMAS W. FERRELL BBO#115605
Email: tferrell@higgslaw.com

CHARLES F. REIDELBACH, JR., ESQ. (Bar No. 167482)
Email: reidelbach@higgslaw.com

HIGGS, FLETCHER & MACK, LLP
401 West "A" Street
Suite 2600
San Diego, CA 92101

Attorneys for Defendant
MASCON, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PULSE ENGINEERING, INC., a Delaware
corporation,

Plaintiff,

v.

MASCON, INC., doing business as ATW
SECURITY, a Massachusetts corporation,

Defendant.

Case No. 08cv0595 JM AJB

**DEFENDANT'S SETTLEMENT
BRIEF**

Defendant Mascon, Inc. ("Mascon") submits this settlement brief pursuant to the order of this

1 Court date July 2, 2008.

2
3 **I. BRIEF DESCRIPTION OF THE CASE AND THE CLAIMS ASSERTED**

4 The patents in suit (U.S. Patent No. 6,404,347 and 6,472,992) deal with electric filter circuits
5 that block certain signals (specifically, Digital Subscriber Line (“DSL”) signals such as are used to
6 communicate over the Internet) from alarm units. The patents issued after a most cursory
7 examination, and there was no discussion of any kind by the Patent Examiner of the extensive prior
8 technology that had already been developed for this purpose.
9

10 Mascon sells a DSL filter under the designation DSL-500. It is believed that this is the filter
11 accused of infringement.

12 No specific claims of the ‘347 or ‘992 patents have yet been identified as being infringed by
13 Mascon.
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16 **II. SETTLEMENT DEMAND**

17 Mascon has been advised by outside patent counsel that the DSL-500 does not infringe any of
18 the claims of the ‘347 and ‘992 patents and thus has rejected Plaintiff Pulse’s demands.
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21 **III. PRIOR SETTLEMENT NEGOTIATIONS**

22 Subsequent to Pulse’s first contact with Mascon concerning the ‘347 and ‘992 patents, Mascon
23 counsel, both corporate counsel and outside patent counsel, advised Pulse on several occasions that
24 Mascon had duly evaluated Pulse’s claims of infringement and determined that there was in fact no
25 basis for such a claim. Mascon specifically advised Pulse that it had obtained an opinion of counsel to
26 that effect, and offered to discuss with Pulse the specific reasons for its conclusions in detail so that an
27 unnecessary litigation would not be spawned. Pulse did not agree to such a discussion, but rather
28

1 proceeded to file suit for infringement.

2 Subsequent to the filing, the parties, through counsel, again conferred, but again there was no
3 detailed discussion of the specifics of the alleged infringement. The parties, through counsel, last
4 conferred at their Rule 26(f) Conference on August 4 but their positions remain unchanged.
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8 DATED: August 18, 2008

Cesari And McKenna
By: /S/ *Martin J. O'Donnell*
Martin J. O'Donnell, Esq.
Nelson P. Lovins, Esq.
Thomas W. Ferrell, Esq.
Charles F. Reidelbach, Jr., Esq.
Attorneys For Defendant
Mascon, Inc.

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15 **CERTIFICATE OF SERVICE**

16 This is to certify that a copy of **DEFENDANT'S SETTLEMENT BRIEF** was served on the
17 following parties by email:

18 David E. Sipiora
19 desipiora@townsend.com
20 Kristopher L. Reed
21 klreed@townsend.com
22 Townsend and Townsend and Crew LLP
1200 Seventeenth Street, Suite 2700
Denver, CO 80202

23 Iris Sockel Mitrakos
24 ismitrakos@townsend.com
12730 High Bluff Drive, Suite 400
San Diego, CA 92130

25 DATED: August 18, 2008

26 By: /s/ *Martin J. O'Donnell*
27 Martin J. O'Donnell
28